

REMARKS

Summary of the Office Action

Upon entry of this Amendment, claims 1, 4-60 and 62-74 are all the claims pending in the application. Claims 2 and 3 have been canceled. Claims 30-57 and 62-74 are withdrawn from consideration as being drawn to a non-elected invention. Claims 1-29 and 58-60 presently stand rejected. Specifically, claims 59 and 60 are rejected under 35 U.S.C. § 102(e) as being anticipated by Koplow et al. (USP 6,496,301); claims 59 and 60 are further rejected under 35 U.S.C. § 102(b) as being anticipated by Fermann et al. (USP 5,880,877); and claims 1-29 and 58 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fermann et al. (USP 5,880,877). For the reasons set forth below, Applicant respectfully traverses the rejections and requests favorable disposition of the application.

Argument

In regard to the rejection of claims 59 and 60 as being anticipated by Koplow et al., Applicant notes that Koplow et al. is prior art under 35 U.S.C. § 102(e) only. Accordingly, Applicant has herewith submitted a Declaration under 37 C.F.R. § 1.131 which effectively removes Koplow et al. as prior art against the present application. Withdrawal of the rejection of claims 59 and 60 is, thus, kindly requested.

In regard to the §103 rejection of claims 1-29 and 58 as being unpatentable over Fermann et al. (USP 5,880,877, "the '877 patent"), Applicant has amended independent claim 1 to further define over the '877 patent. Specifically, claim 1 has been amended to include the subject matter of dependent claims 2 and 3. Claims 2 and 3 have been canceled. Applicant submits that the

'877 patent fails to teach or suggest at least the recited seed source. Specifically, the '877 patent does not teach or suggest a seed source that comprises a fiber laser, a Raman-shifter operable to shift the emission wavelength of the fiber laser to a spectral range longer than 2000 nm, and a nonlinear crystal operable to shift the wavelength of an output of the Raman-shifter to a spectral range from 1000 nm to 1500 nm.

Moreover, in regard to the assertion on page 4 of the office action and in reference to claim 3, the Examiner asserts that the Raman shifter of the '877 patent "will perform as claimed provided the seed source operates as deemed obvious above". Applicant respectfully submits that the '877 patent does not and can not disclose a seed source with a Raman-shifter, as claimed, i.e., a Raman-shifter that shifts the wavelength to longer than 2000 nm, outside the gain bandwidth. The '877 system would not work under such conditions since the amplifier would not have any gain. Indeed, the '877 patent discloses a nonlinear frequency shift in the amplifier. However, the shift in the '877 amplifier is a small shift, as compared the shift claimed in claim 1, since the amplified output of the '877 patent needs to stay within the gain bandwidth of the same material, i.e., 1550 nm to 1600 nm. Thus, the '877 patent fails to teach or even suggest the subject matter as claimed in at least claims 1, 4-29 and 58 and the rejection of these claims should be withdrawn.

Lastly, in regard to the §102 rejection of claims 59 and 60 as being anticipated by the '877 patent, nowhere in the '877 patent are pulses of parabolic form either disclosed or even suggested. Accordingly, the '877 patent does not teach all the requirements of claims 59 and 60 and the rejection thereto should be withdrawn.


AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln No. 09/576,772

Conclusion

In view of the foregoing remarks, the application is believed to be in form for immediate allowance with claims 1, 4-29 and 58-60, and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to **contact the undersigned** at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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